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ORIGINAL

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RB 6/25/02

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YORK WALLCOVERINGS, INC.
Plaintiff

No.: 1:CV:01-0793

vs.

S.A. MAXWELL COMPANY, INC. AND
JAIMA BROWN
Defendants

(The Hon. Sylvia H. Rambo)

**PLAINTIFF'S ANSWER TO DEFENDANTS'
MOTION PURSUANT TO F.R.C.P. 62(c)
TO STAY PRELIMINARY INJUNCTION
ORDER PENDING APPEAL**

FILED
HARRISBURG, PA
JUN 24 2002
MARY E. D'AMICO
Per Deputy Clerk

1. Admitted.

2. While it is admitted that the Order of June 10, 2002, did not provide for the posting of a bond by Plaintiff, the Court has issued an Order directing the posting of a bond.

3. Denied. It is denied that the Court made an error of law with respect to its findings regarding irreparable harm to the Plaintiff. Additionally, the Court found not only that Plaintiff was entitled to the presumption of irreparable harm, but the Court further found that Plaintiff had proven irreparable harm.

4. Denied. It is denied that the Court made an error of law with respect to its findings regarding irreparable to Plaintiff. The Court's findings with respect to irreparable harm to the Plaintiff must be read in their totality. The Court committed no error in this regard.

5. Plaintiff does not know what precisely Defendants intend to do; however, Plaintiff believes that an appeal from the Court's Order would be meritless.

6. Denied. It is denied that Defendants have meritorious grounds for an appeal. It is further denied that the Order should be stayed or that failure to stay the Order entering the injunction would render Defendants' right to appeal a nullity.

7. This allegation is strenuously denied. The Court's Order merely directs Defendants to withdraw their product or mark it not available. It is disingenuous for Defendants to suggest that they have no ability to communicate with retailers. In fact, deposition testimony in this matter established that Maxwell sells directly to some retailers and that Ms. Brown regularly visits retailers.

8. Plaintiff requests that Defendants' request be denied. The Court's Order gave Defendants an option as to how Defendants wished to proceed. It appears, in paragraphs 7 and 8 of their Motion, that Defendants seek to eliminate any relief granted by the Court.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court deny Defendants' Motion and refuse to stay or amend the Preliminary Injunction Order pending appeal.

BARLEY, SNYDER, SENFT & COHEN, LLC

Date: 6/24/02

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